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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,268	01/21/2004	Kia Silverbrook	RRA28US	3000

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SILVERBROOK RESEARCH PTY LTD
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BALMAIN, NSW 2041
AUSTRALIA

EXAMINER

VO, ANH T N

ART UNIT	PAPER NUMBER
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2861

DATE MAILED: 04/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/760,268

Applicant(s)

SILVERBROOK, KIA

Examiner

Anh T.N. Vo

Art Unit

2861

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 11-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 11-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

FINAL REJECTION

The rejection under the judicially created doctrine of obviousness-type double patenting is withdrawn in view of the Terminal Disclaimer filed on 2/6/06.

The rejections over Shyn et al. (US Pat. 6,568,801), Kasio (US Pat. 3,950,761) and Inoue et al. (US Pat. 6,773,099) are withdrawn in view of the amendments to the claims..

CLAIM OBJECTION

Claim 1 is objected to in that the recitations “the fluid pressure” and “the reservoir” on line 3 and “the pressure” on line 9 lacks clear antecedent basis. Correction is required.

Claims 13-14 are objected to because they depend on canceled claims 9-10. Correction is required.

CLAIM REJECTIONS

Claim Rejections - 35 USC § 112

Claims 1-8 and 12-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Correction or clarification is required.

In claim 1, it is unclear what the “rupture pressure” is, where it comes from, how the fluid reservoir can be “ruptured” since no means for perform the rupturing function recited in this claim, how the fluid pressure can “meet” the rupture pressure on line 3, how the predetermined level can be “related” to the rupture pressure on line 10 and how the recitation “rupture pressure” and “a fluid reservoir that will rupture” is read on the preferred embodiment or seen on the drawings.

The remaining claims are dependent from the rejected claim 1 therefore also considered indefinite.

Claim Rejections - 35 USC § 102

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1-3, 5-7 and 12-14 are rejected under 35 USC 102 (b) as being anticipated Ryan et al (US 6,067,906).

As the best construed, Ryan et al discloses in Figures 1- 9 an ink dispenser for dispensing printing fluid into a printer cartridge which has a fluid reservoir (11) that will rupture when the fluid pressure within the reservoir meets or exceeds a rupture pressure. the dispenser including:

- an ink reservoir (16) having an ink outlet (14) for fluid communication with the fluid reservoir (11) of the inkjet printer cartridge;
- means (28) for applying pressure to said ink reservoir (16) in order to force ink through the outlet and into the fluid ;
- reservoir (11) of the inkjet printer cartridge;
- means (22) for limiting the pressure of said ink forced through the outlet (14) to a predetermined level related to the rupture pressure of the fluid reservoir of the inkjet printer cartridge;
- wherein the means (22) for limiting pressure comprises a means for limiting applied pressure to said ink reservoir (16);
- wherein the ink reservoir (16) comprises a deformable membrane (bag, lines 44-46 column3);

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- wherein the means (22) for limiting applied pressure to said ink reservoir includes a resilient member (spring return type, lines 1-3, column 4) having deformation characteristics selected to limit said pressure to a predetermined level;
- wherein the resilient member (22) is located between the ink reservoir (16) and the means for applying pressure (28) to the ink reservoir;
- wherein the resilient member (22) comprises a spring; and
- wherein the spring (29) includes a platform (23) arranged to abut the membrane (16).

Claims 1-5, 7-8 and 11-14 are rejected under 35 USC 102 (e) as being anticipated Yuen (US 6,799,610).

As the best construed, Yuen discloses in Figures 1-25 an ink dispenser for dispensing printing fluid into a printer cartridge which has a fluid reservoir (36, Figure 3) that will rupture when the fluid pressure within the reservoir meets or exceeds a rupture pressure, the dispenser including:

- an ink reservoir (16) having an ink outlet (86, Figure 11) for fluid communication with the fluid reservoir (36) of the inkjet printer cartridge;
- means (12) for applying pressure to said ink reservoir (16) in order to force ink through the outlet and into the fluid reservoir (36) of the inkjet printer cartridge;
- means (80, 82, 84) for limiting the pressure of said ink forced through the outlet (86) to a predetermined level related to the rupture pressure of the fluid reservoir of the inkjet printer cartridge;
- wherein the means for limiting pressure comprises a means for limiting applied pressure to said ink reservoir (16);
- wherein the means for applying pressure (12) comprise a handle and the reservoir (16) is located within the handle (12) (Figure 3);
- wherein the ink reservoir (16) comprises a deformable membrane (column 5, lines 1-15);

- wherein the means for limiting applied pressure to said ink reservoir includes a resilient member having deformation characteristics selected to limit said pressure to a predetermined level;- wherein the resilient member (22) comprises a spring; and
- wherein the spring (29) includes a platform (90) arranged to abut the membrane (16).

RESPONSE TO APPLICANT'S ARGUMENTS

The applicant's arguments with respect to the prior art rejection have been carefully considered and have been traversed in view of the new grounds of rejection over Ryan et al and Yuen references.

CONCLUSION

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Anh Vo whose telephone number is (571) 272-2262. The examiner can normally be reached on Tuesday to Friday from 9:00 A.M. to 7:00 P.M..

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The fax number of this Group 2861 is (571) 273-8300.

A handwritten signature in black ink, appearing to read 'Anh T. N. Vo', with a long horizontal flourish extending to the right.

ANH T. N. VO
PRIMARY EXAMINER

April 21, 2006